

1 divisible and that the elective process is not part of it.
2 It is taken in as a package arrangement.

3 I would say that the acceptance or rejection of
4 the Missouri plan is one of the most difficult and frustrat-
5 ing and soul-searching decisions that I have had to make
6 since I have been in this Convention. No doubt the plan has
7 some merit to it, and it is for that reason that so many
8 capable lawyers and capable judges have differed with each
9 other. But where do we go for the answer?

10 While the plan has merit, it has certain built-
11 in weaknesses. The plan results in a departure from history
12 and a system wherein the judiciary becomes dependent upon
13 the executive branch of the government, and it destroys the
14 long-established doctrine of separation of the three powers of
15 government into three independent departments. It destroys
16 the independence of the judiciary to the political, rather
17 than the elective process. The removal of the judges from
18 election by the people deprives them of the inherent, basic
19 right implicit in the philosophy that the closer the govern-
20 ment is to the people, the better the government. It consti-
21 tutes another erosion to the principles of an elective system.